

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

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**Appeal No. 147/2018/SIC-I**

Shri Tukaram Appa Patil,  
F-4/102, Solacia Society, Phase II,  
Behind Moze College of Engineering,  
Baif Road, Wagholi, Pune 412 207(M.H)

....Appellant

V/s

1) The Public Information Officer,  
Administrator of Comunidades,  
North Zone, Mapusa-Goa.

2) Additional Collector-II &  
First Appellate Authority,  
Collectorate of North Goa District,  
Panaji Goa.

.....Respondents

**CORAM:** Smt. Pratima K. Vernekar, State Information Commissioner.

**Filed on: 13/6/2018**  
**Decided on: 20/8/2018**

**ORDER**

1. The facts in brief which arises in the present appeal are that the appellant Shri T.A. Patil, by his application dated 3/11/2017, sought certain information from PIO of the office of the Governor of Goa, Donapaula-Goa , as stated therein in the said application . The said information is sought by the appellant in exercise of his right u/s 6(1) of the RTI Act, 2005.
2. On receipt of the said application, the PIO of the office of Governor of Goa by his letter dated 24/11/2017 transferred the said application to the PIO of the office of Chief Secretary, Secretariat, Porvorim who intern transferred the said application of the appellant to the PIO /Section Officer(Revenue) Secretariat, Porvorim, Goa vide letter dated 29/11/2017 and the PIO of Revenue Department transferred the same to the Collector of

North Goa District vide letter dated 15/12/2017 who intern finally transferred the same to Respondent No. 1 herein i.e the PIO of the office of the Administrator of Comunidade North Zone at Mapusa on 20/2/2018 u/s 6(3) of RTI Act, 2005.

3. The Dy. Collector, Civil Administration branch Collectorate Building, Panajim-Goa vide letter dated 12/2/2018 had also forwarded the representation made by the appellant dated 27/9/2017 to the Hon'ble Governor of Goa to the Administrator of Comunidade north Zone at Mapusa requesting him to inquire into the matter and furnish the report to their office at the earliest.
4. It is the contention of the appellant that his application dated 13/11/2017 seeking the status of representation dated 27/9/2017 was not responded by Respondent no. 1 PIO herein as such being deeming the same as rejection, he preferred first appeal on 5/4/2018 with Respondent no. 2 First appellate authority herein and the Respondent no.2 First appellate authority was pleased to allow the said appeal by an order dated 24/5/2018 and thereby directed the Respondent No. 1 PIO to furnish the information sought by the appellant vide his application dated 13/4/2017 without any cost, within 8 days.
5. It is the contention of the appellant that despite of the order of Respondent no. 2 FAA no information came to be furnished to him as such he being aggrieved by the action of PIO is forced to approach this commission on 11/6/2018 by way of second appeal filed u/s 19(3) of RTI Act.
6. In pursuant to the notice of this commission, the appellant appeared in person. Respondent no. 1 PIO did not appeared on first two hearings as such again a fresh notice was issued to Respondent no. 1 PIO who despite of same, did not even had the audacity to appear and put forth his version. Respondent no. 2 was represented by Miss Sybala Menezes only during first hearing and there after opted to remain absent.

7. The application dated 21/7/2018 alongwith the enclosure were sent by the appellant by speed post to this commission which was received on 24/7/2018 and was inwards by registry of this commission vide entry No. 1442.
8. On the subsequent date of hearing i.e on 8/8/2018 appellant showed his inability to attend each date of hearing, on the ground that he is a Senior citizen and he is residing in Pune and it is difficult for him to travel often from Pune to Goa. He further submitted that in pursuant to the order of the first appellate authority he has now received information vide letter No. ACNZ/RTIA/114/2018-19/274 dated 7/6/2018 from Respondent no.1 PIO interalia informing that the clerk of the Comunidade have submitted the resolution dated 25/3/2018 taken by the Managing Committee of Comunidade of Sirsaim that the plot No. 80 which was applied by him has been acquired by the Konkan Railway and the copy of the forwarding letter dated 30/4/2018 addressed to Administrator of Comunidade, North Zone, Mapusa by the clerk /Escrivao of Comunidade Sirsaim along with the minutes of the meeting of Managing committee was enclosed to the said letter dated 7/6/2018 by the PIO .
9. It is the contention of the appellant that since the PIO did not furnish him the status of his representation, he vide letter dated 14/6/2018 brought to the notice of Respondent no.1 PIO the said fact and again requested him to inform him the action taken on his representation made to her Excellency Governor of Goa which was forwarded to his office by Dy.Collector, North requesting him to inquire the said matter and to furnish the report.
10. The appellant during hearing before this commission again submitted that Respondent no. 1 PIO have not still responded his letter dated 14/6/2018 and neither have provided him the status of his representation dated 27/9/2017.

11. Since the Respondent No.1 PIO did not appear and file his reply despite of service of notices twice, I presume that he has no any say to be offered and the averments made by the appellant are not disputed by him.
12. I have scrutinized the records available in the file an also considered the submission made on behalf of appellant.
13. The Administrator was also directed vide letter dated 12/2/2018 to inquire and to furnish the report to the office of Collector, North Goa. There is nothing on record to show that the said representation dated 27/9/2017 of the appellant was dealt and inquired by the Administrator of North Zone Mapusa and thereafter whether any report was submitted as was directed by letter dated 12/2/2018. On account of absence of Respondent No. 1 PIO, the Commission could not seek any clarification from the PIO on the same subject matter.
14. Be that as it may ; Section 4 (1)(d) of RTI Act, 2005 requires to provide reasons for its Administrative or quasi Judicial decision to effected person. Here appellant had made some representation which was marked to Respondent No. 1 for appropriate inquiry and action as such the appellant being aggrieved person is entitled to know the status of his representation dated 27/9/2017.
15. The Hon'ble High Court of Delhi in writ petition No. 5957/2007 Kusum Devi V/s Central Information Commission & others has held that at para 5;  
  
"The petitioner certainly has right to ask for "information" with regards to complaint made by him, action taken and the decision taken thereafter" .
16. In the above given circumstances and by subscribing to the ratio laid down by the Hon'ble Delhi High Court in case of Kusum Devi (Supra), I am of the opinion that the appellant herein is entitled/has

right to ask for information with regards to his representation dated 27/9/2017. Hence the following order is passed.

#### ORDER

The Respondent No. 1 PIO is hereby directed to furnish the status of his representation dated 27/9/2017 as sought by appellant vide his Application dated 13/11/2017 within 20 days from the date of the receipt of the order.

Notify the parties.

Authenticated copies of the Order should be given to the parties free of cost.

Aggrieved party if any may move against this order by way of a Writ Petition as no further Appeal is provided against this order under the Right to Information Act 2005.

Pronounced in the open court.

Sd/-

**(Ms.Pratima K. Vernekar)**  
State Information Commissioner  
Goa State Information Commission,  
Panaji-Goa